

## CCRB INVESTIGATIVE RECOMMENDATION

|  |   |                           |   |   |                                 |
|--|---|---------------------------|---|---|---------------------------------|
| Investigator:<br>Cassandra Fenkel                | Team:<br>Squad #6   | CCRB Case #:<br>201709541 | <input checked="" type="checkbox"/> Force             | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|  |   |                           | <input checked="" type="checkbox"/> Abuse             | <input checked="" type="checkbox"/> O.L.      | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Tuesday, 10/31/2017 7:04 AM  | Location of Incident:<br>§ 87(2)(b); en route to the 42nd Precinct stationhouse; 42nd Precinct stationhouse | Precinct:<br>42           | 18 Mo. SOL<br>4/30/2019                               | EO SOL<br>4/30/2019                           |                                 |
| Date/Time CV Reported<br>Mon, 11/20/2017 9:57 AM | CV Reported At:<br>CCRB   | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Mon, 11/20/2017 9:57 AM |   |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |
|                    |      |              |
|                    |      |              |

| Witness(es) | Home Address |
|-------------|--------------|
|             |              |
|             |              |

| Subject Officer(s)     | Shield | TaxID  | Command |
|------------------------|--------|--------|---------|
| 1. POM Ronald Kowalski | 05143  | 944710 | 042 PCT |
| 2. POM Michael Brito   | 12846  | 960282 | 042 PCT |
| 3. CPT Keiyon Ramsey   | 00000  | 939281 | 042 PCT |
| 4. SGT Matthew Hynes   | 01590  | 940279 | 042 PCT |
| 5. POM Michael Perez   | 06181  | 944888 | 042 PCT |
| 6. An officer          |        |        | 042 PCT |
| 7. Officers            |        |        | 042 PCT |

| Witness Officer(s)     | Shield No | Tax No | Cmd Name |
|------------------------|-----------|--------|----------|
| 1. POF Lisbeth Flores  | 06791     | 963520 | 042 PCT  |
| 2. SGT Yvonne Phillips | 01972     | 933176 | 042 PCT  |
| 3. POM Gregory Tomassi | 02357     | 953486 | 042 PCT  |

| Officer(s)            | Allegation   | Investigator Recommendation |
|-----------------------|--|-----------------------------|
| A.POM Ronald Kowalski | Abuse: At § 87(2)(b) in the Bronx, Police Officer Ronald Kowalski refused to provide his shield number to § 87(2)(b)               |                             |
| B.POM Michael Brito   | Abuse: At § 87(2)(b) in the Bronx, Police Officer Michael Brito refused to provide his name to § 87(2)(b)                          |                             |
| C.POM Michael Brito   | Abuse: At § 87(2)(b) in the Bronx, Police Officer Michael Brito refused to provide his shield number to § 87(2)(b)                 |                             |
| D.SGT Matthew Hynes   | Abuse: Sergeant Matthew Hynes entered § 87(2)(b) in the Bronx.   |                             |
| E.POM Michael Perez   | Abuse: En route to the 42nd Precinct stationhouse, Police Officer Michael Perez refused to provide his shield number to § 87(2)(b) |                             |

| Officer(s)          | Allegation  | Investigator Recommendation |
|---------------------|---|-----------------------------|
| F.CPT Keiyon Ramsey | Force: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey used physical force against § 87(2)(b)                |                             |
| G.CPT Keiyon Ramsey | Discourtesy: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey spoke discourteously to § 87(2)(b)              |                             |
| H.CPT Keiyon Ramsey | Off. Language: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey made remarks to § 87(2)(b) based upon race.   |                             |
| I.CPT Keiyon Ramsey | Abuse: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey interfered with § 87(2)(b) use of a recording device. |                             |
| J.CPT Keiyon Ramsey | Discourtesy: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey acted discourteously toward § 87(2)(b)          |                             |
| K.CPT Keiyon Ramsey | Abuse: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey damaged § 87(2)(b) property.                          |                             |
| L.CPT Keiyon Ramsey | Force: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey used a chokehold against § 87(2)(b)                   |                             |
| M.CPT Keiyon Ramsey | Force: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey restricted § 87(2)(b) breathing.                      |                             |
| N. Officers         | Force: At the 42nd Precinct stationhouse, officers used physical force against § 87(2)(b)                             |                             |
| O.CPT Keiyon Ramsey | Abuse: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey threatened § 87(2)(b) with the use of force.          |                             |
| P. An officer       | Abuse: At the 42nd Precinct stationhouse, an officer searched § 87(2)(b) recording device.                            |                             |
| Q. An officer       | Abuse: At the 42nd Precinct stationhouse, an officer deleted information on § 87(2)(b) electronic device.             |                             |

### Case Summary

On November 20, 2017, § 87(2)(b) filed this complaint via telephone with the CCRB.

On October 31, 2017, at approximately 7:04 a.m., PO Lisbeth Flores, PO Michael Brito, PO Ronald Kowalski, PO Michael Perez, PO Gregory Tomassi, and Sgt. Matthew Hynes, all of the 42<sup>nd</sup> Precinct, responded to § 87(2)(b) in the Bronx due to a 911 call regarding a dispute between § 87(2)(b) and his roommate, § 87(2)(b). § 87(2)(b) requested PO Kowalski's shield number and PO Brito's name and shield number, which PO Kowalski and PO Brito allegedly refused to provide (**Allegations A – C: Abuse of Authority**, § 87(2)(g)). Sgt. Hynes allegedly entered § 87(2)(b) apartment, where he resided with his brother, § 87(2)(b). § 87(2)(b) (**Allegation D: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) was arrested for criminal obstruction of breathing (Board Review 01) and transported to the 42<sup>nd</sup> Precinct stationhouse. En route to the 42<sup>nd</sup> Precinct stationhouse, § 87(2)(b) requested PO Perez's shield number and PO Perez allegedly refused to provide it (**Allegation E: Abuse of Authority**, § 87(2)(g)).

At the 42<sup>nd</sup> Precinct stationhouse, § 87(2)(b) was released with a desk appearance ticket (DAT). Captain Keiyon Ramsey allegedly pushed § 87(2)(b) (**Allegation F: Force**, § 87(2)(g)) and ordered him to "get the fuck out" of the stationhouse (**Allegation G: Discourtesy**, § 87(2)(g)). § 87(2)(b) left the stationhouse and Captain Ramsey followed him outside, where he allegedly called § 87(2)(b) a "nigger" (**Allegation H: Offensive Language**, § 87(2)(g)) and a "motherfucker" (**Allegation G continued**).

§ 87(2)(b) re-entered the 42<sup>nd</sup> Precinct stationhouse while recording on his cell phone. Captain Ramsey allegedly grabbed § 87(2)(b) cell phone and threw it onto floor, causing the screen to shatter (**Allegations I - K: Abuse of Authority**, § 87(2)(g)). Captain Ramsey allegedly used a chokehold on § 87(2)(b) which restricted § 87(2)(b) breathing (**Allegation L - M: Force**, § 87(2)(g)) and threw him onto the floor (**Allegation F continued**). While on the floor, approximately four unidentified officers allegedly jumped on top of § 87(2)(b) and kned him in his back (**Allegation N: Force**, § 87(2)(g)). Captain Ramsey took § 87(2)(b) to the holding cells, where he allegedly punched § 87(2)(b) in the back and threatened to break § 87(2)(b) neck, amongst other threats of physical force involving the word "fuck" (**Allegation F continued, Allegation G continued, Allegation O: Abuse of Authority**, § 87(2)(g)). Unidentified officers allegedly searched § 87(2)(b) cell phone and deleted his recording of the incident (**Allegation P: Abuse of Authority**, § 87(2)(g)), **Allegation Q: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was released from the stationhouse later that day without additional incident.

§ 87(2)(b), § 87(2)(c)

There is no video evidence in this case.

### **Findings and Recommendations**

**Allegation A – Abuse of Authority: At § 87(2)(b) in the Bronx, Police Officer Ronald Kowalski refused to provide his shield number to § 87(2)(b)**

**Allegation B – Abuse of Authority: At § 87(2)(b) in the Bronx, Police Officer Michael Brito refused to provide his name to § 87(2)(b)**

**Allegation C – Abuse of Authority: At § 87(2)(b) in the Bronx, Police Officer Michael Brito refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) (Board Review 03, Board Review 04, Board Review 05) testified that he had an argument with his roommate, § 87(2)(b) who attacked him and called 911. PO Flores, PO Kowalski, and PO Brito arrived at the location, and spoke to § 87(2)(b) and § 87(2)(b) outside of their apartment building. PO Kowalski told § 87(2)(b) that he reviewed security footage, which depicted him assaulting § 87(2)(b). § 87(2)(b) believed this was a lie because the cameras in his building did not work. § 87(2)(b) asked PO Kowalski for his shield number and PO Kowalski allegedly stated, “I ain’t giving you nothing.” § 87(2)(b) approximated he asked PO Kowalski for his shield number five times, however, PO Kowalski allegedly told § 87(2)(b) to “shut up” and did not provide it. § 87(2)(b) then requested PO Brito’s name and shield number and PO Brito allegedly stated, “I’m not giving you anything.”

§ 87(2)(b) (Board Review 06) testified that § 87(2)(b) was intoxicated and “acting crazy” throughout the incident, and began to take his clothes off while speaking to the officers. § 87(2)(b) did not hear § 87(2)(b) ever request any officers’ names or shield numbers during this incident.

§ 87(2)(b) (Board Review 07) was not present during this aspect of the incident.

PO Kowalski (Board Review 08) testified that upon his arrival, he spoke with § 87(2)(b) inside of the building’s entrance vestibule. § 87(2)(b) accused § 87(2)(b) who was standing approximately 15 feet away, of strangling her. PO Kowalski described that § 87(2)(b) was yelling loudly, though he could not recall what § 87(2)(b) was saying. PO Kowalski denied that § 87(2)(b) requested his shield number and denied that he ever refused to provide it. PO Kowalski could not recall what PO Brito did upon his arrival. PO Kowalski denied that PO Brito ever refused to provide his name or shield number to § 87(2)(b).

PO Brito (Board Review 09) testified that both he and PO Kowalski spoke with § 87(2)(b) inside of the building’s entrance vestibule. PO Brito denied that he ever spoke to § 87(2)(b) on scene and denied that he or PO Kowalski ever refused to provide their names or shield numbers to him.

Sgt. Hynes (Board Review 10) and PO Flores (Board Review 11) denied that PO Kowalski or PO Brito ever refused to provide their names or shield numbers to § 87(2)(b).

PO Perez (Board Review 12) and PO Tomassi (Board Review 13), who were identified via the Event Information (Board Review 14), each testified that they had no recollection of this incident.

Neither Captain Ramsey (Board Review 15) nor Sgt. Phillips (Board Review 16) were present during this aspect of the incident.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation D – Abuse of Authority: Sergeant Matthew Hynes entered § 87(2)(b) in the Bronx.**

§ 87(2)(b) testified that while standing outside of § 87(2)(b), his neighbors came out and told him that officers were inside of his apartment. § 87(2)(b) was subsequently arrested and transported to the 42<sup>nd</sup> Precinct stationhouse. § 87(2)(b) did not see officers enter his apartment first-hand.

§ 87(2)(b) testified that after § 87(2)(b) was placed under arrest, she told the officers that § 87(2)(b) was inside of the apartment and that § 87(2)(b) was “slow.” § 87(2)(b) escorted officers inside of the building and to the apartment, where § 87(2)(b) answered the door. Two officers went inside of the apartment with § 87(2)(b) and spoke to § 87(2)(b). The officers asked § 87(2)(b) if he could travel alone or stay alone, and § 87(2)(b) stated that he could do neither. § 87(2)(b) left with the officers a few minutes later.

§ 87(2)(b) who spoke with a noticeable speech impairment during his interview, testified that officers entered the apartment with § 87(2)(b) and transported him to the 42<sup>nd</sup> Precinct stationhouse, where he waited until § 87(2)(b) was released.

Sgt. Hynes, § 87(2)(g)

§ 87(2)(b) testified that he asked § 87(2)(b) if she planned to leave the apartment after § 87(2)(b) was arrested. Sgt. Hynes asked this question to determine if any children were inside and because he was concerned about the apartment door being left open. § 87(2)(b) confirmed that she was leaving and that no one else was inside of the apartment except for § 87(2)(b) who had “special needs” and was looked after by § 87(2)(b). Sgt. Hynes asked § 87(2)(b) to bring him to the apartment and she did so. Sgt. Hynes, PO Kowalski, and PO Brito entered the apartment with § 87(2)(b) and spoke with § 87(2)(b). Sgt. Hynes told § 87(2)(b) that § 87(2)(b) was at the stationhouse and asked if he would like to come. § 87(2)(b) never spoke verbally, but nodded his head in a “yes” motion and left with the officers. § 87(2)(b) waited at the 42<sup>nd</sup> Precinct stationhouse until § 87(2)(b) was released with a DAT.

PO Brito and PO Kowalski both acknowledged that they accompanied Sgt. Hynes to § 87(2)(b) apartment to check on § 87(2)(b). PO Brito and PO Kowalski testified that § 87(2)(b) answered the door and left with the officers. PO Kowalski denied that he or any other officer went inside § 87(2)(b) apartment and PO Brito did not recall this detail.

Neither PO Flores, PO Perez, PO Tomassi, Captain Ramsey, nor Sgt. Phillips were present during this aspect of the incident.

People v. Gonzalez, 39 NY2d 122 (1976)(Board Review 17), specifies that an entry based upon consent must be voluntary and absent of coercion. Georgia v. Randolph, 547 US 103 (2006)(Board Review 18), specifies that a co-tenant can extend consent to shared areas of a home.

§ 87(2)(g)

**Allegation E – Abuse of Authority: En route to the 42<sup>nd</sup> Precinct stationhouse, PO Michael Perez refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) testified that he was driven to the 42<sup>nd</sup> Precinct stationhouse by two officers, identified by the investigation as PO Perez and PO Tomassi. PO Perez drove and PO Tomassi sat in the front passenger’s seat. During the drive, § 87(2)(b) requested PO Kowalski’s shield

number from PO Perez, which PO Perez refused to provide. § 87(2)(b) then requested PO Perez's shield number and PO Perez allegedly stated, "I ain't gotta give you nothing."

Neither PO Tomassi nor PO Perez had any recollection of this incident. However, the Event Information identified Sector B1 as having transported § 87(2)(b) to the 42<sup>nd</sup> Precinct stationhouse, which PO Perez and PO Tomassi each acknowledged being assigned to at the time of this incident. PO Perez denied that he ever refused to provide his shield number to § 87(2)(b) and PO Tomassi denied ever hearing PO Perez do so.

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Allegation F – Force: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey used physical force against § 87(2)(b)**

**Allegation G – Discourtesy: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey spoke discourteously to § 87(2)(b)**

**Allegation H – Offensive Language: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey made remarks to § 87(2)(b) based upon race.**

**Allegation I – Abuse of Authority: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey interfered with § 87(2)(b) use of a recording device.**

**Allegation J – Discourtesy: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey acted discourteously toward § 87(2)(b)**

**Allegation K – Abuse of Authority: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey damaged § 87(2)(b) property.**

**Allegation L – Force: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey used a chokehold against § 87(2)(b)**

**Allegation M – Force: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey restricted § 87(2)(b) breathing.**

**Allegation O – Abuse of Authority: At the 42nd Precinct stationhouse, Captain Keiyon Ramsey threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) testified that he was released from the 42<sup>nd</sup> Precinct stationhouse with a DAT a few hours after his initial arrest. Upon his release, § 87(2)(b) spoke with Sgt. Phillips at the stationhouse front desk and asked if officers are required to provide their names and shield numbers. While speaking with Sgt. Phillips, Captain Ramsey "came out of nowhere" and immediately grabbed § 87(2)(b) on the arm. Captain Ramsey pushed § 87(2)(b) on his back and ordered him to "get the fuck out." § 87(2)(b) exited the stationhouse and Captain Ramsey followed him outside. § 87(2)(b) threatened to sue Captain Ramsey, who allegedly said, "You're going to be a rich nigger" and "Trick or Treat. I'll see you again motherfucker." Captain Ramsey reentered the stationhouse. § 87(2)(b) followed and recorded on his cell phone. Captain Ramsey allegedly grabbed § 87(2)(b) cell phone and threw it onto the ground, causing the screen to shatter. Captain Ramsey then allegedly grabbed § 87(2)(b) neck and asked, "Didn't I tell you to get the fuck out of here?" Captain Ramsey allegedly lifted § 87(2)(b) by his neck and arm and threw him onto the floor. On the floor, Captain Ramsey pulled § 87(2)(b) arms behind his back and allegedly grabbed the front of § 87(2)(b) neck, choking him. Captain Ramsey then took § 87(2)(b) to the holding cells, where he allegedly punched § 87(2)(b) on his lower back approximately four times. Captain Ramsey placed § 87(2)(b) against a wall and

allegedly stated, “If you move from this wall I will break your fucking neck” and allegedly ordered § 87(2)(b) to not “fucking move.” Officers requested an ambulance for § 87(2)(b) who refused medical attention.

§ 87(2)(b) alleged he sustained a lump to his forehead from hitting his head on the floor when Captain Ramsey allegedly brought him to the ground. § 87(2)(b) provided the CCRB with a photograph (Board Review 19) depicting a lump on his forehead, which was taken by § 87(2)(b) after his release.

§ 87(2)(b) sought medical treatment at § 87(2)(b) (Board Review 20) on § 87(2)(b). § 87(2)(b) medical records document that he complained of a headache, a bruise to the right side of his head, and back pain. § 87(2)(b) reported that he sustained these injuries when an officer picked him up and slammed him onto the ground. § 87(2)(b) received x-rays, which showed negative results for any fractures, and was discharged with a prescription for acetaminophen and instructions to follow up with his primary care physician.

§ 87(2)(b) partially corroborated aspects of § 87(2)(b) account. § 87(2)(b) testified that officers placed him in a room at the 42<sup>nd</sup> Precinct stationhouse, where he waited until § 87(2)(b) was released. § 87(2)(b) had a view of the stationhouse front desk through the doorway, and observed § 87(2)(b) argue with Captain Ramsey about his arrest. Captain Ramsey grabbed § 87(2)(b) cell phone, threw it, and grabbed § 87(2)(b) by the neck and threw him onto the ground.

The 42<sup>nd</sup> Precinct’s Command Log (Board Review 21) identified § 87(2)(b) and § 87(2)(b) as having been arrested and likely lodged in holding cells at the time of this incident. However, both § 87(2)(b) and § 87(2)(b) were unavailable to the investigation (see IAs for contact attempts).

Captain Ramsey testified that he had no recollection of this incident. Captain Ramsey denied that he ever interacted with § 87(2)(b). Captain Ramsey denied that he used any physical force on § 87(2)(b) including a chokehold, restricted § 87(2)(b) breathing, profanity, racial slurs, or threats of force against § 87(2)(b). Captain Ramsey denied that he ever threw or damaged § 87(2)(b) cell phone, or interfered with § 87(2)(b) ability to record the incident.

Sgt. Phillips testified that after his release, § 87(2)(b) lingered at the stationhouse front desk and yelled about the circumstances of his arrest for approximately five minutes before he left with § 87(2)(b). § 87(2)(b) reentered the stationhouse five minutes later and began yelling again, though Sgt. Phillips could not recall what he was saying. Sgt. Phillips ordered § 87(2)(b) to leave several times, but he refused to do so. An officer, Sgt. Phillips could not recall who, asked § 87(2)(b) to leave the stationhouse and he complied. Sgt. Phillips could not recall the officer’s exact words or if he had any physical contact with § 87(2)(b). Sgt. Phillips could not recall if the officer exited the stationhouse with § 87(2)(b) who reentered the stationhouse again a few minutes later and was louder and more irate than before. Sgt. Phillips could not recall what § 87(2)(b) was saying or if he was recording on his cell phone. Sgt. Phillips denied seeing any officer throw § 87(2)(b) cell phone or do anything to interfere with his ability to record the incident. Sgt. Phillips again ordered § 87(2)(b) to leave the stationhouse, but he refused to do so. Additional officers around the stationhouse desk, Sgt. Phillips could not recall who, ordered § 87(2)(b) to place his hands behind his back. § 87(2)(b) refused to do so and the officers grabbed his hands and placed them into handcuffs. § 87(2)(b) was upright at the point he was handcuffed. Sgt. Phillips denied that she saw Captain Ramsey or any other officer use any physical force on § 87(2)(b) or do anything that could have restricted his breathing. Sgt. Phillips requested an ambulance because she believed § 87(2)(b) was emotionally disturbed as

evidenced by his yelling and continued refusal to leave the stationhouse. Officers, Sgt. Phillips could not recall who, escorted § 87(2)(b) to a holding cell where he was held until EMS arrived. Sgt. Phillips denied that there was any issue with § 87(2)(b) inside the holding cells. Sgt. Phillips denied that Captain Ramsey used any physical force or threatened to do so while § 87(2)(b) was inside of the holding cells. § 87(2)(b) was released from the stationhouse after he was evaluated by EMS, who determined he did not need further treatment.

PO Kowalski testified that approximately one hour after § 87(2)(b) release, he heard screaming coming from the stationhouse front desk while he was assisting PO Flores with arrest processing paperwork in the juvenile room. PO Kowalski walked to the doorway of the juvenile room and observed § 87(2)(b) standing approximately 20 feet away. § 87(2)(b) held his cell phone out in front of him as if he was recording and yelled and screamed. PO Kowalski could not recall what § 87(2)(b) saying and he did not appear to be addressing any particular officer. Approximately 20 officers were present, a mix Tour 1 officers leaving and Tour 2 officers arriving, though PO Kowalski could not specifically recall who. PO Kowalski denied seeing any officer throw § 87(2)(b) cell phone or do anything to interfere with his ability to record the incident. PO Kowalski described that § 87(2)(b) was so loud that Captain Ramsey exited from his office at the rear of the stationhouse. Captain Ramsey asked Sgt. Phillips what was going on and politely asked § 87(2)(b) if he could speak with him. § 87(2)(b) immediately calmed down and voluntarily walked outside of the stationhouse with Captain Ramsey. PO Kowalski never saw § 87(2)(b) again after this point. PO Kowalski denied that Captain Ramsey pushed § 87(2)(b) or ordered him to “get the fuck out.” Approximately one minute later, Captain Ramsey reentered the stationhouse alone and returned to this office. PO Kowalski denied that he or any other officer used any physical force against § 87(2)(b) or did anything which could have restricted his breathing. PO Kowalski was unaware of § 87(2)(b) ever being placed in a holding cell after his initial release.

PO Flores testified that she overheard yelling coming from the front stationhouse entrance while she was completing arrest processing paperwork. PO Flores could not distinguish what was said or who was yelling. PO Flores did not recall going to investigate further. PO Flores later learned from an officer, she could not recall who, that § 87(2)(b) returned to the 42<sup>nd</sup> Precinct stationhouse but was asked to leave because he was screaming and yelling. PO Flores denied that she observed any officers’ interactions with § 87(2)(b) and did not hear any officer use profanity towards § 87(2)(b) or threaten § 87(2)(b) with physical force.

Neither Sgt. Hynes, PO Brito, PO Perez, nor PO Tomassi were present during this aspect of the incident.

§ 87(2)(g)

§ 87(2)(g)

**Allegation N – Force: At the 42nd Precinct stationhouse, officers used physical force against**

§ 87(2)(b)



**Allegation P – Abuse of Authority: At the 42nd Precinct stationhouse, an officer searched § 87(2)(b) recording device.**

**Allegation Q – Abuse of Authority: At the 42nd Precinct stationhouse, an officer deleted information on § 87(2)(b) electronic device.**

§ 87(2)(b) testified that after Captain Ramsey threw him onto the stationhouse floor, approximately four unidentified officers punched him and kneed him in the back. § 87(2)(b) was unable to describe any of these officers. § 87(2)(b) was released from the stationhouse later that night, at which point his cell phone was returned to him. § 87(2)(b) saw that his recording of the incident was gone, leading him to believe that officers searched his cell phone and deleted it.

§ 87(2)(b) testified that he saw several unidentified officers punch § 87(2)(b) but was unable to witness the incident further as an officer closed the door of the room he was in, which obstructed his view.

Captain Ramsey, Sgt. Phillips, PO Kowalski, and PO Flores each denied that they or any other officer used physical force on § 87(2)(b) searched his cell phone, or deleted any recordings from it.

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 22).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 23).
- § 87(2)(b)  
[REDACTED]  
[REDACTED]  
[REDACTED]
- Captain Ramsey has been a member-of-service for 13 years and has been a subject in two CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g)  
[REDACTED]  
[REDACTED]
- Sgt. Hynes has been a member-of-service for 12 years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)  
[REDACTED]
- PO Brito has been a member-of-service for two years and has been a subject in two CCRB complaints and three allegations, which were not substantiated. § 87(2)(g)  
[REDACTED]
- PO Kowalski has been a member-of-service for 11 years and has been a subject in three CCRB complaints and four allegations. § 87(2)(g)  
[REDACTED]  
[REDACTED]

- PO Perez has been a member-of-service for 11 years and has been a subject in one CCRB complaint and one allegation § 87(2)(g) [REDACTED]

**Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- As of October 24, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 25).

§ 87(2)(b), § 87(2)(c) [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

Squad No.:     #6    

|               |                    |                             |               |
|---------------|--------------------|-----------------------------|---------------|
| Investigator: | _____<br>Signature | _____<br>Print Title & Name | _____<br>Date |
|---------------|--------------------|-----------------------------|---------------|

|               |                    |                             |               |
|---------------|--------------------|-----------------------------|---------------|
| Squad Leader: | _____<br>Signature | _____<br>Print Title & Name | _____<br>Date |
|---------------|--------------------|-----------------------------|---------------|

|           |                    |                             |               |
|-----------|--------------------|-----------------------------|---------------|
| Reviewer: | _____<br>Signature | _____<br>Print Title & Name | _____<br>Date |
|-----------|--------------------|-----------------------------|---------------|